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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,454	11/26/2003	Akira Ezawa	100420.02	8105
25944 7590 01/03/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
			EXAMINER AN, SHAWN S	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 01/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,454	Applicant(s) EZAWA, AKIRA	
	Examiner Shawn S. An	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/26/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 31-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 31 recites "A carrier wave" which is considered non-statutory subject matter.

The following is an example of acceptable language in overcoming non-statutory subject matter:

- A. "A computer readable medium storing a computer executable instructions ...,."

Note: the merits of claims 31-34 will be examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7-8, 10-11, 14, 16-20, 23-24, 26-27, and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al (5,633,678).

Regarding claims 1-2, 16-17, 31, and 32, Parulski et al discloses an image display apparatus for displaying a plurality of images, comprising:

a memory (18) that stores images;

a display (Fig. 8); and

a controller (20) that retrieves images from the memory and displays the images on the display, the controller storing the images in the memory in categories of images (col. 8, lines 13-25), and at least one image stored in the memory, which belongs to a category, being displayed on the display as a heading image for the category to which the image belongs (Fig. 8).

Regarding claims 3, 18, and 33, changing the heading image to any image in the category is considered an inherent feature and conventionally well known in the art.

Regarding claim 4, Parulski et al discloses an image reader (26) that reads images from an image recording medium (24), wherein the controller (20) stores the read images as data in the memory.

Regarding claims 7 and 23, Parulski et al discloses an image content category (Fig. 7).

Regarding claims 8 and 24, Parulski et al discloses the images on the display in at least one of an index screen, a cartridge list screen, a category list screen, a category index screen (Figs. 8 and 10).

Regarding claims 10 and 26, Parulski et al discloses a list screen displaying heading images for each cartridge category stored in the memory (Figs. 6-7 and 10).

Regarding claims 11, 19, and 27, Parulski et al discloses the category index screen displaying the categories for an images that are stored in the memory associated with the displayed category (Fig. 8).

Regarding claims 14 and 30, Parulski et al discloses a list screen displaying the possible categories for an image and the categories associated with the image (Figs. 7 and 10).

Regarding claim 20, Parulski et al discloses prior to the categorizing step: retrieving a plurality of the images from a cartridge (10 and 16).

Regarding claim 34, Parulski et al discloses a computer readable medium (32b).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 9, 12-13, 15, 21, 25, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (5,633,678).

Regarding claims 5 and 21, Parulski et al does not particularly use film cartridge as a recording medium.

However, film cartridge is a conventional apparatus well known in the industry.

Therefore, it would have been considered obvious to utilize the film cartridge as a recording medium for a well known reason of recording.

Regarding claims 9 and 25, index screen displaying the images stored in the memory in order starting from the first image is considered an obvious feature. Furthermore, conventional displaying of index screen as in a computer display, displays in order from the first image as a normal sequence.

Regarding claims 12-13 and 28-29, the Examiner takes official notice that the story list screen displaying the heading images for each story category stored in the memory is well known in the art such as in a DVD displaying mode (choosing a scene in a movie menu). Furthermore, the story index screen displaying the images stored in the memory associated with the displayed story is also considered an obvious feature well known in the art.

Regarding claim 15, Parulski et al teaches that other memory device can be used, such as a floppy disk (col. 4, lines 42-48). Therefore, utilizing conventional ZIP disk is considered an obvious feature as a memory device.

7. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (5,633,678) in view of Inoue et al (5,623,303).

Regarding claims 6 and 22, Parulski et al does not particularly disclose a film feeder that feeds film from the film cartridge past an imaging station, a light source that illuminates the film at the imaging station, and a photo sensor that converts the illuminated image into electronic data.

However, Inoue et al teaches well known film feeder (abstract) that feeds film, a light source (19) that illuminates the film at the imaging station, and a photo sensor (col. 1, lines 15-17) that converts the illuminated image into electronic data.

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing an image display apparatus as taught by Parulski et al to incorporate Inoue's teaching as above so that the film feeder feeds film from the film cartridge past an imaging station, the light source illuminates the film at the imaging station, and the photo sensor converts the illuminated image into electronic data for reading images,

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S An* whose telephone number is 571-272-7324.

9. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAWN AN
PRIMARY EXAMINER

12/27/07